IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

SATURDAY, THE 18TH AUGUST 2007 / 27TH SRAVANA 1929

WP(C).No. 25127 of 2007(N)

AGAINST THE ORDER IN IA 837/2006 IN
OS.1085/1994 of I ADDL.SUB COURT, THRISSUR

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PETITIONER:

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1. RAJAN, S/O.NEDUNTHUNNI ABRAHAM,
   ZENANA MISSION ROAD, CHEMBUKAVU VILLAGE,
   THRISSUR TALUK.

2. LUCI ABRAHAM, W/O. ABRAHAM AND
   MOTHER OF THE 1ST PETITIONER,
   ZENANA MISSION ROAD, CHEMBUKAVU VILLAGE,
   THRISSUR TALUK.

BY ADV. SMT.K.RAJANI

RESPONDENTS:

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1. THE CATHOLIC SYRIAN BANK LTD.,
   HEAD OFFICE AT THRISSUR VILLAGE AND TALUK,
   BRANCH OFFICE AT BANGALORE CITY BRANCH.

2. FRANCIS THARAKAN,
   ZENANA MISSION ROAD,
   CHEMBUKAVU VILLAGE, THRISSUR TALUK.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.KRISHNAN, J

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W.P.(C) No.25127 OF 2007

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Dated this the 18th day of August 2007

JUDGMENT

This writ petition is preferred against the order of the Principal Sub Judge, Thrissur in refusing to review its judgment. It is the case of the review petitioner that the Apex Court has declared in the decision reported in ***Central Bank of India v. Ravindra & Others(AIR 2001 SC 3095)*** regarding the interest and the view taken by the learned Sub Judge is directly opposite to the same and therefore it cannot be upheld. The suit had been decreed on 17.11.1995 and the decision relied on by the learned counsel is reported in AIR 2001 SC 3095. The Explanation to Order 47 Rule 1 reads as follows:"The fact that the decision on a question of law on which the judgment of the court is based has been reversed or modified by a subsequent decision of a superior Court in any other case, shall not be a ground for review of such judgment". So the request prayed for by the writ petitioner squarely false within the Explanation to Order 47 Rule 1.

Therefore the court below was perfectly right in rejecting the review application. I do not find any ground to entertain the same and therefore it is

dismissed. But I make it clear that if the decree holder wants to show some indulgence to the judgment debtor, that can be done taking into consideration to the change of circumstances.

Writ petition is disposed of as above.

M.N.KRISHNAN, JUDGE

Cdp/-